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PTO/SB/97 (09-04)

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on October 20, 2005
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Registration Number, if applicable

Telephone Number

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09/857613

BB1289USPCT

PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT

FORM TRANSMITTING THE ISSUE FEE (PTOL-85)

COPY OF PAGE FROM INTERNAL ISSUE FEE NOTEBOOK

DOCKETING SYSTEM PRINTOUT FOR BB1289USPCT

Page 1 of 8

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

OCT 20 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN THE APPLICATION OF:

SEAN J. COUGHLAN

CASE NO.: BB1289USPCT

APPLICATION NO.: 09/857613

GROUP ART UNIT: 1638

FILED: DECEMBER 02, 1999

EXAMINER: P. BUI

FOR: PLANT VITAMIN E BIOSYNTHETIC ENZYMES

**PETITION UNDER 37 C.F.R. 1.181(a) TO WITHDRAW HOLDING OF
ABANDONMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants hereby request reconsideration and withdrawal of the holding of abandonment as to the above-reference application, indicated in the Notice of Abandonment issued 10/10/2005, confirmation no. 5025, a copy of which is attached hereto. The Notice of Abandonment indicates that Applicants failed to timely reply to Issue Fee, issued 02/08/2005.

Applicants submit that there was no abandonment-in-fact, as a timely reply was submitted on 05/06/2005, as evidenced by the attached documentation, including true copies of (1) Applicants' Form transmitting the Issue Fee (PTOL-85) including Certificate of Mailing, Copy of page from internal Issue Fee Notebook - DuPont Legal/Patents, Docketing system (BB1289-U.S.A.-PCT APPLICATION (09/857,613), filed 05/06/2005, indicating Applicants' timely reply.

Accordingly, Applicants respectfully submit that the holding of abandonment as to the present application was in error, and should be withdrawn. No fee is necessary.

Respectfully submitted,

Dawn S. Clark

DAWN S. CLARK
AGENT FOR APPLICANT

Registration No.: 42,420

Telephone: (302) 695-1080

Facsimile: (302) 892-1026

Dated: October 20, 2005
Enclosures: (6 pages)



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Abandonment

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/857,613

06/04/2001

Sean J. Coughlin

BB-1289

5025

7590

10/10/2005

JLS
Gregory J. Feinher
E I Du Pont de Nemours & Company
Legal Patents
Wilmington, DE 19898

EXAMINER

BUI, PHUONG T

ART UNIT

PAPER NUMBER

1638

DATE MAILED: 10/10/2005

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Please find below and/or attached an Office communication concerning this application or proceeding.

OCT 13 2005

OCT 20 2005

Notice of Abandonment	Application No.	Applicant(s)	
	09/857,613	Coughlan	
	Examiner	Art Unit	
	Bui	1638	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - ☒ The issue fee and publication fee, if applicable, has not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

Attachment to Notice of Abandonment

For questions concerning the notice contact

Office of Patent Publication

Image Assistance Center: 888-786-0101.

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

- 1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required**

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

- 2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required**

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

- 3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)**

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent and Trademark Office and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 4, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (None like Block 1 for any change of address)

7590

~~XXXXXXXXXXXX~~

E I Du Pont de Nemours & Company
Legal Patents
Wilmington, DE 19898

J. Kenneth Joung

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

Carol Reeder

(Depositor's name)

Carol Reeder

(Signature)

May 6, 2005

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/857,613	06/04/2001	Sean J. Coughlan	BB-1289	5025

TITLE OF INVENTION: PLANT VITAMIN E BIOSYNTHETIC ENZYMES

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1400	\$0	\$1400	05/09/2005
EXAMINER		ART UNIT	CLASS-SUBCLASS		
BUI, PHUONG T		1638	435-419000		

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 02-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.111. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

and (B) RESIDENCE: (CITY and STATE OR COUNTRY)

E I Du Pont de Nemours & Company

Wilmington, DE (US)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee (No small entity discount permitted)☐ Advance Order - # of Copies

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number 04-1928 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature Dawn S. ClarkDate May 4, 2005Typed or printed name Dawn S. ClarkRegistration No. 42,420

This collection of information is required by 37 CFR 1.311. This information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Date: 04/04/2005

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Period from 05/01/2005 to 08/01/2005

File	Event	Deadline	Performed	Att.	Filing number	Comments
CL2073/US/NA	Issue Fee Due	05/02/2005	5-2-05	SNF	10/800271	R 5/2
SO0012/US/NA	Issue Fee Due	05/04/2005	4-14-05	MDK	10/193498	3/1/05: Allowed Claims sent to inventors for comment & OK to pay fees.
DC9612/US/NA	Issue Fee Due	05/07/2005	not paying	RHB	10/255246	R 5/2 on pay comm
FL1079/US/NA	Issue Fee Due	05/07/2005	4-20-05	CJS	10/460037	3/4/05 Note to BarbM.L. Revu allowed clms; should div be filed; send comm to C asap. 3/10 BarbM: Claims look OK.
FO8038/US/CIP	Issue Fee Due	05/07/2005	5-4-05	LAS	10/253057	R 5/2
BB1262/US/PCT	Issue Fee Due	05/08/2005	5-5-05	JKJ	09/857612	R 5/2
BB1288/US/PCT	Issue Fee Due	05/08/2005	5-10-05	JKJ	09/857613	R 5/2
CL1619/US/DIV2	Issue Fee Due	05/09/2005	5-9-05	SNF	10/320924	R 5/2 / Lix to pay
CL1643/US/PCT	Issue Fee Due	05/09/2005	5-5-05	SNF	10/333646	R 5/2
CL2346/US/NA	Issue Fee Due	05/09/2005	5-4-05	SNF	10/804677	R 5/2
PE0669/US/NA	Issue Fee Due	05/09/2005	4-28-05	MC	10/139002	
AD6639/US/DIV	Issue Fee Due	05/10/2005	4-7-05	CHE	10/246910	Gave to PRC 4/1/05
PE0893/US/NA	Issue Fee Due	05/10/2005	4-20-05	MC	10/356813	
CL2057/US/NA	Issue Fee Due	05/11/2005	4-7-05	GED	10/386086	
BB1321/US/PCT	Issue Fee Due	05/15/2005	4-20-05	LYB	08/913060	R 5/2 see note
CL1177/US/DIV	Issue Fee Due	05/22/2005	4-7-05	JOH	10/854698	
CL1331/US/DIV	Issue Fee Due	05/25/2005	5-25-05	JAL	10/379811	R 5/2
CL1970/US/CIP	Issue Fee Due	05/25/2005	RCE	JAL	10/664544	R 5/23 see note
FL1068/US/CIP	Issue Fee Due	05/25/2005	4-20-05	CJS	10/164743	3/4/05 Note to Robt Lee/Waller/Leo/Wanzen/L: Revu allowed clms; should div be filed; send comm to C asap. 3/9/05 L: No div; inventorship may need 2b changed. 3/14/05: Corr of inventorship faxed to USPTO.
PE0694/US/NA	Issue Fee Due	05/25/2005	RCE	MC	10/631432	3-27-05 REQUEST FOR CONTINUED EXAMINATION - WAIT FOR NEW NOTICE OF ALLOWANCE TO PAY ISSUE FEE
BB1170/US/PCT	Issue Fee Due	06/01/2005	See above	JKJ	09/720383	
BB1321/US/PCT1	Issue Fee Due	06/01/2005	4-14-05	LYB	09/813064	

Dupont de nemours

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Docketing system (BBI 289-U, S. A.-PCT Application) [19723]

Event	Date	Amount	Direction	Comments
10/31/2003	Non-Final Office Action 6 mo (US)			
02/03/2004	Issue Fee Due	0.00		
02/03/2004	Allowed	0.00		
04/29/2004	Request for Continued Examination			
10/22/2004	Mis-Patent/USPTO Discrepancy			
02/14/2005	Issue Fee Due	0.00		
04/12/2005	Miscellaneous			
05/08/2005	Local filing			
10/18/2005	Abandoned			
10/18/2005	Active File			
05/08/2011				

Input date	Event	Date	Performed	Acknowledgment
02/14/2005		05/08/2005	05/06/2005	

Executive	Working time	Invoice method
	X	

Cost Information	Comments									
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